UNITED STATES PATENT AND TRADEMARK OFFICE

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10/648,004	08/26/2003	Martin Lund	14223US02	3309

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PATEL, CHIRAG R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 15,

2009 has been entered.

Response to Arguments

Applicant's arguments filed May 15, 2009 have been fully considered but they are

not persuasive.

In response to applicant's arguments that Abjanic's XML header simply does not

contain identifier information that identifies the switch, examiner relied on Abjanic for

address-based routing.

With respect to applicant's arguments that Abjanic does not disclose or suggest

at least the limitation of "routing via said common switch, at least a portion of said at

least one received packet to at least second blade server, based on said determined

first , second and third identifiers from said header portion of said receiver at least one

packet", examiner points to Abjanic per [0073], " Because content based message

director 145 may be optional in some instances, switch 165 may switch the transformed

message using address-based routing or switching techniques, such as switching to a

particular output port of switch 165 based on source and/or destination address and port

numbers provided in the message or provided in a header of a packet carrying the

message." The port number is equated as the initial destination address which is

specified in the header of the packet as it serves as an identifier of the switch through

which the message is routed through. The port numbers, which refer to the physical

ports of the switch, is equated as one of the multitude of identifier of the switch.

Therefore, the source, port number, and the destination address is equated as the first ,

second and third identifiers, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 11-19, and 21-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kennedy et al. – hereinafter Kennedy (US 7,225,247) in view of

Abjanic et al. – hereinafter Abjanic (US 2003/0069975).

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As per claims 1, 11, and 21, Kennedy discloses a method for communicating

information in a server, the method comprising:

receiving at a common switch, at least one packet (Col 5 line 49-Col 6 line 11;

Management controller 120 packetizes the information) from a first blade server of a

plurality of blade servers, wherein said at least one packet is designated for at least a

second blade server of said plurality of blade servers, and wherein said first blade

server and said at least a second blade server are coupled to common switch via a

common bus (Col 5 line 49- Col 6 line 11; Chassis management module 580

orchestrates the exchange of management information between blade servers 500

through 500G; Figure 5: Items 500A-500G)

Kennedy fails to disclose determining at least a first identifier identifying said

common switch, a second identifier identifying said first blade server, and at least a third

identifier identifying said second blade server, wherein said first, second and third

identifiers are located within a header portion of said

received at least one packet; and

routing via said common switch, at least a portion of said at least one received

packet to at least said second blade server, based on said determined first, second and

third identifiers from said header portion of said at least one received packet.

Abjanic disclose determining at least a first identifier identifying said common

switch, a second identifier identifying said first blade server, and at least a third identifier

identifying said second blade server, wherein said first, second and third identifiers are

located within a header portion of said received at least one packet; and ([0073];

([0083]; a computer chassis where cards or blades can be plugged in)

routing via said common switch, (Figure 7: item 710)at least a portion of said at

least one received packet to at least said second blade server, based on said

determined first, second and third identifiers from said header portion of said at least one received packet. ([0073])

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kennedy to disclose determining at least a first identifier identifying said common switch, a second identifier identifying said first blade server, and at least a third identifier identifying said second blade server, wherein said first, second and third identifiers are located within a header portion of said received at least one packet; and

routing via said common switch, at least a portion of said at least one received packet to at least said second blade server, based on said determined first, second and third identifiers from said header portion of said at least one received packet. The motivation for doing do would have been to switch the message to a selected server or processing node. (abstract)

As per claims 2, 12, and 22, Kennedy / Abjanic disclose the method according to claim 1, and Abjanic discloses comprising transferring said header portion of said at least one received packet to said routing of said at least said second blade server via said common switch. ([0073])

As per claims 3, 13, and 23, Kennedy / Abjanic disclose the method according to claim 1, and Abjanic discloses wherein said common switch comprises a switch blade coupled to said common bus, and wherein said switch bade controls said routing of said

header portion of said received packet. ([0083]; a computer chassis where cards or

blades can be plugged in; Figure 7: item 710)

As per claims 4, 14, and 24, Kennedy / Abjanic disclose the method according to

claim 1, wherein said common bus comprises a common backplane ([0083])

As per claims 5, 15, and 25, Kennedy / Abjanic disclose the method according to

claim 1, wherein said common switch comprises a bus transceiver and a bus controller.

([0083])

As per claims 6, 16, and 26, Kennedy / Abjanic disclose the method according to

claim 1. Abjanic discloses wherein each of said first, second, and third identifiers

comprises one or both of a MAC address and / or an IP address. ([0028])

As per claims 7, 17, and 27, Kennedy / Abjanic disclose the method according to

claim 1, and Abjanic discloses comprising: acquiring said second identifier of said first

blade server; and transferring via said common switch, said second identifier of said first

blade server to at least said second blade server. ([0073])

As per claims 8, 18, and 28, Kennedy / Abjanic disclose the method according to claim 1, and Kennedy discloses comprising broadcasting said header portion of said at least one received packet on said common switch. (Col 5 line 49-Col 6 line 11)

As per claims 9, 19, and 29, Kennedy / Abjanic disclose the method according to claim 1, and Abjanic discloses comprising receiving a broadcast containing said at least one received packet. ([0073])

Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy (US 7, 225, 247) / Abjanic et al. – hereinafter Abjanic (US 2003/0069975) further in view of Deng et al. – hereinafter Deng (US 6,208,647)

As per claims 10, 20, and 30, Kennedy / Abjanic discloses the method according to claim 1, and Kennedy fails to disclose comprising receiving at least one packet from said second blade server and transferring via said common switch, said header portion of said at least one packet received from said second blade server to at least one of said first blade server and a third blade server. Deng discloses comprising receiving at least one packet from said second blade server and transferring via said common switch, said at least at portion of said at least one packet received from said second blade server to at least one of said first blade server and a third blade server. (Col 5 lines 8-28)   At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose multicasting in the disclosure of Kennedy.

The motivation for doing do would have been to provide true multicasting at an Ethernet

switch by treating multicast addresses as unicast addresses (Col 3 lines 11-15)

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chirag R Patel whose telephone number is (571)272-

7966. The examiner can normally be reached on Monday to Friday from 8:00AM to

4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915.

The fax phone number for the organization where this application or proceeding

is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see

http://pairdirect.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll free).

/C. R. P./
Examiner, Art Unit 2454

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454